

# **Exhibit 9**

**Confidential**

**In re Facebook Biometric  
Information Privacy Litigation**

**Robert Sherman**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re FACEBOOK BIOMETRIC	)
INFORMATION PRIVACY LITIGATION	)
_____	)
	) Master File No.
This Document Relates To:	) 3:15-cv-03747-JD
	)
ALL ACTIONS.	)
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VIDEOTAPED DEPOSITION OF  
ROBERT SHERMAN

Tuesday, September 19, 2017  
Washington, D.C.  
9:05 a.m.

Reported By:  
Lori J. Goodin,  
RPR, CLR, CRR, RSA,  
Job No. 10036096

**Confidential****In re Facebook Biometric  
Information Privacy Litigation****Robert Sherman**

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The videotaped deposition of  
ROBERT SHERMAN, was convened on, Tuesday,  
September 19, 2017, commencing at 9:05 a.m., at  
the offices of

MAYER BROWN LLP  
1999 K Street, Northwest  
Washington, D.C. 20006

before Lori J. Goodin, Registered Professional  
Reporter, Certified LiveNote Reporter, Certified  
Realtime Reporter, Realtime Systems Administrator,  
California CSR #13959, and Notary Public in and  
for the District of Columbia.

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1 Facebook's Washington, D.C. office, it was  
2 in-person, right?

3 A. Yes.

4 Q. So, you met with him in-person; is  
5 that correct?

6 A. Yes.

7 Q. And you had a conversation, but it  
8 was in-person?

9 A. Yes.

10 Q. Okay. Have you ever spoken to Mark  
11 Zuckerberg about this case?

12 A. I can't answer that question without  
13 revealing privileged communication.

14 Q. The, I'm asking -- I'm not asking  
15 about the communication. I'm not asking what you  
16 told Mr. Zuckerberg. I'm asking you whether or  
17 not you ever spoke to Mr. Zuckerberg about this  
18 case.

19 MR. NADOLENCO: That is okay. It is  
20 a yes or no question.

21 THE WITNESS: I did not speak with  
22 Mr. Zuckerberg about this case.

23 BY MR. HALL:

24 Q. Have you ever spoken with Mark  
25 Zuckerberg about facial recognition?

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1           A.       Yes.

2           **Q.       When?**

3           A.       I don't recall specifically.

4           **Q.       More than once?**

5           A.       Yes.

6           **Q.       How many times?**

7           A.       I don't recall specifically.

8           **Q.       What about generally.**

9           A.       I would say maybe five times.

10          **Q.       Five times? Okay. And what**  
11 **prompted those conversations?**

12          A.       I don't think I can answer that  
13 question without revealing privileged  
14 communications.

15          **Q.       Okay. Did he ask to meet with you?**

16          A.       I can't answer that question without  
17 revealing privileged communication.

18          **Q.       I'm not asking you the nature of any**  
19 **of the legal advice that maybe was discussed**  
20 **during that.**

21                   **I'm asking you, whether Mark**  
22 **Zuckerberg asked you for the meeting, or whether**  
23 **you asked Mark Zuckerberg for the meeting.**

24                   MR. NADOLLENCO: That's fine.

25                   THE WITNESS: I and others asked for

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1 Q. Okay. When you joined Facebook,  
2 what was your title?

3 A. Manager of Privacy and Public  
4 Policy.

5 Q. Okay. And what is it now?

6 A. Deputy Chief Privacy Officer.

7 Q. Have you had any other titles in  
8 between?

9 A. No.

10 Q. What is the difference between those  
11 two titles?

12 A. A Manager of Privacy and Public  
13 Policy is primarily responsible for working with  
14 product teams to develop privacy solutions in  
15 various parts of our service, and also working  
16 with stakeholders outside the company, to discuss  
17 how we build privacy into Facebook.

18 The most significant difference  
19 between that role and my role is I'm now  
20 responsible for managing a team of people who do  
21 that work.

22 Q. Okay. So, it was a promotion?

23 A. Yes.

24 Q. When you joined as a manager in  
25 March/April 2012, and you were managing product

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1 teams, was face recognition part of any of those  
2 products?

3 A. Yes.

4 Q. Which products?

5 A. Tag suggestions.

6 Q. Any others?

7 A. Not that I can recall.

8 Q. Okay. And who was on the product  
9 team related to tag suggestions?

10 A. I don't remember all of the people.

11 Q. Who do you remember?

12 A. The person that I dealt with most  
13 significantly was the product manager. His name  
14 was Dan Barak.

15 Q. Okay. Who else did you interact  
16 with on that product team?

17 A. So, it is hard for me to define who  
18 is on the product team versus not, because  
19 Facebook is structured in a decentralized way.  
20 So, there are different departments that would  
21 work on different parts of a particular product.

22 Q. Okay. Is there -- when you refer to  
23 a product team, what do you mean?

24 A. I mean the cross functional group of  
25 people who are working on that product.

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1           Q.     Okay. And, for the product team for  
2 tag suggestions, one of the team members was Dan  
3 Barak; is that correct?

4           A.     Yes.

5           Q.     Okay. And he was the product  
6 manager?

7           A.     Yes.

8           Q.     Okay. What other, what other roles  
9 were there on the product team?

10          A.     There were engineers. There were,  
11 there was a marketing manager. There was a  
12 content strategist. There were lawyers. And  
13 there was a communications person.

14          Q.     Okay. And, was it your role to  
15 manage all of those people and all of those roles  
16 in relation to tag suggestions?

17          A.     No, no.

18          Q.     No. What was your role on the  
19 product team?

20          A.     My role was to analyze the privacy  
21 implications of the technology, provide  
22 recommendations for how to protect privacy as a  
23 part of tag suggestions, and to work with others  
24 on the team to communicate externally about tag  
25 suggestions.